

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (WORCESTER)

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Scott Stern,
Plaintiff

v.

University of Massachusetts at Amherst
Health Center,
Bernadette Melby, Director of Health
Services,
Brian Burke, Associate General Counsel
University of Massachusetts at Amherst,
Board of Trustees of the University of
Massachusetts,
Massachusetts Board of Higher Education,
Massachusetts Division of Health Care
Finance and Policy,
Defendants

C.A. No. 4:04-cv-30176-FDS

**NOTICE OF REQUEST TO PLAINTIFF
FOR SERVICE OF AMENDED COMPLAINT**

The Defendants Massachusetts Board of Higher Education (the "Board") and the Massachusetts Division of Health Care Finance and Policy (the "Division") give notice of the following:

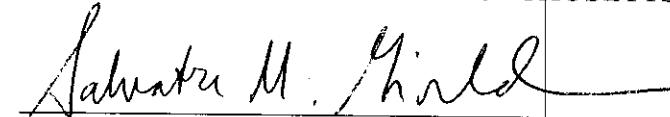
1. On October 21, 2004, the Board and the Division, by their counsel, made a written request to the plaintiff for service of a copy of his Amended Complaint. The request was made by first class mail and by certified mail, return receipt requested. A copy the request is attached to this Notice as Exhibit A.

2. As of the date of this Notice, October 29, 2004, the plaintiff has not served a copy

of his Amended Complaint upon the Board's and the Division's counsel.

Respectfully submitted,
THOMAS F. REILLY
ATTORNEY GENERAL OF MASSACHUSETTS

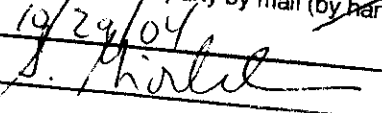
Date: 10/29/04



Salvatore M. Giorlandino
Assistant Attorney General of Massachusetts
BBO# 548131
Office of the Massachusetts Attorney General
Central Massachusetts Division &
Government Bureau/Trial Division
One Exchange Place, 3rd Fl.
Worcester, MA 01608
(508) 792-7600 ext. 109

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above
document was served upon the attorney of
record for each other party by mail (by hand)

on 10/29/04




TOM REILLY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
Central Massachusetts Division
One Exchange Place
Worcester, Massachusetts 01608

FILE COPY

(508) 792-7600
www.ago.state.ma.us

EXHIBIT A

October 21, 2004

**VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED; and
FIRST CLASS REGULAR MAIL**

Scott Stern, pro se
400 West Main Street
North Adams, MA 01247

Re: Stern v. University of Massachusetts at Amherst Health Services et al,
U.S. District Court (D.Mass. Worcester), C.A. No. 4:04-cv-30176-FDS

Dear Mr. Stern:

As you may know, I represent the Defendants Massachusetts Board of Higher Education (the "Board") and the Massachusetts Division of Health Care Finance and Policy (the Division") in the above entitled case. Enclosed is a copy of the Court's (Saylor, J.) Order of October 15, 2004 regarding the Board's and the Division's Motion to Enlarge Time to File Answer or Responsive Pleading.

Please serve a copy of your Amended Complaint upon me by mail as soon as possible so that I can prepare the Board's and the Division's answer or responsive pleading. Thank you for your time.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Salvatore M. Giorlandino".
Salvatore M. Giorlandino
Assistant Attorney General
(508) 792-7600 ext. 109

cc: (next page)

cc: Geoffrey B. McCullough, Esq.
 University of Massachusetts
 One Beacon Street
 Boston, MA 02108

Joseph C. Sullivan, Jr., General Counsel
 Massachusetts Board of Higher Education
 One Ashburton Place
 Boston, MA 02108

Nancy Panaro, Esq., Acting General Counsel
 Massachusetts Division of Health Care Finance and Policy
 Two Boylston Street
 Boston, MA 02116

Stern/Stern Corr.wpd:3-4

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SCOTT STERN,

Plaintiff,

v.

UNIVERSITY OF MASSACHUSETTS AT
AMHERST; UNIVERSITY OF
MASSACHUSETTS HEALTH SERVICES;
BERNADETTE MELBY, DIRECTOR OF
HEALTH SERVICES; BRIAN BURKE,
ASSOCIATE COUNSEL, UNIVERSITY OF
MASSACHUSETTS AT AMHERST;
UNIVERSITY OF MASSACHUSETTS
BOARD OF TRUSTEES;
MASSACHUSETTS BOARD OF HIGHER
EDUCATION; DIVISION OF HEALTH
CARE FINANCE AND POLICY,

Defendants.

Civil Action No.
04-30176-FDS

ORDER

On October 12, 2004, defendants Massachusetts Board of Higher Education and Massachusetts Division of Health Care Finance and Policy filed a motion to enlarge time to file an answer or responsive pleading, seeking an additional 30 days to respond to plaintiff's complaint. By order dated October 15, 2004, this court granted plaintiff's first motion to amend his complaint (Docket #14). Rule 15(a) of the Federal Rules of Civil Procedure states, "A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders." The time for these defendants to respond to the

original pleading has passed, so, by rule, they would have ten days after service of the amended pleading in which to file an answer or responsive pleading. The court will grant these defendants an additional five days after service of the amended complaint to respond, which is adequate time for defendants' counsel to familiarize himself with plaintiff's claims and to draft an answer or responsive pleading to plaintiff's complaint.

So Ordered.

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

Dated: October 15, 2004